

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE # 556-A

**AN ORDINANCE TO DEFINE, REGULATE, AND
ABATE NUISANCES AND PROVIDE
PENALTIES FOR VIOLATIONS**

WHEREAS, Marlboro County Council finds that any act of any person, group, business, or industry within the unincorporated area of the County which results in accumulation of refuse, debris, litter, white goods, grass, weeds, undergrowth, stagnant water, abandoned property, to include vehicles, trailers, and other movable property, or unfit dwellings constitutes a detriment, danger, or hazard to the health, safety, and welfare of residents in Marlboro County and constitute nuisances; and

WHEREAS, Marlboro County Council finds that to promote, protect, and preserve the health, security, safety, and general welfare of the citizens of Marlboro County such nuisances must not be permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE MARLBORO COUNTY COUNCIL DULY ASSEMBLED THAT:

A. This ordinance shall be referred to as the Marlboro County Nuisance Ordinance.

B. Nuisances for purposes of this ordinance are:

(1) Premises that become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate, or otherwise occupy and remain upon those premises.

(2) Causing or allowing a dwelling to become unfit for human habitation and/or other use and/or dangerous or injurious to health and safety of the owner/ occupants of neighboring dwellings, or other residents of the county due to:

- a) Dilapidation/disuse, disrepair or structural defects.
- b) Defects increasing the hazards of fire, accidents, or other calamities.
- c) Lack of adequate light, ventilation, sanitary facilities.
- d) Other conditions rendering such dwellings unsafe, unsanitary, dangerous or detrimental to the health, safety, morals or otherwise harmful to the welfare of residents of Marlboro County.

(3) Allowing inoperable and/or unlicensed cars/trucks/motorized vehicles, junk, trash, waste, old lumber, tires, furniture, stoves, refrigerators, freezers, cans or containers, or other abandoned, unused or unusable objects or equipment to accumulate and remain upon the premises.

(4) Allowing inoperable vehicles without current license plates and registration to be parked or stored on any properties without being in a completely enclosed building or carport or in an area which is surrounded by a six-foot tall natural or man-made sight-obscuring buffer. (Tarpaulins, tents or other temporary covers/structures shall not be deemed satisfactory with this

requirement.)

EXCEPTIONS

This section shall not apply to vehicles in an enclosed building or so located upon the premise so as not to be readily visible from any public place or from any surrounding private property. Further, this section shall not apply to any vehicle on the premises of a business enterprise provided the business owner has a current, valid business license and the property is zoned for such a business use; or with regard to vehicles in an appropriate storage place maintained by the County or any other public agency or entity; or with regard to a rural farm operation where a vehicle without an affixed current license plate and vehicle registration shall be permitted provided that the vehicle is:

1. Operable, and
 2. Located within the rear yard of the property, or,
 3. Not continuously readily visible from any public place or from surrounding private property.
- C. Repairing, maintaining or restoring vehicles on any residential properties unless the vehicle is owned and registered in the name of the owner/occupant of the dwelling and the vehicle is stored in a completely enclosed building or carport.
- D. Allowing or causing the removal of a manufactured or mobile home or recreational vehicle from a premise and failing to remove all associated structures (including but not limited to materials, foundations, insulation, roofs, porches, and steps) from the property at issue.
- E. Maintaining a premises or building, or part thereof, in an unsafe condition and detrimental to the property of others in the neighborhood or area and which causes, or tends to cause, substantial diminution in the value of other property in the neighborhood or area in which such premises are located.

ENFORCEMENT

The County Planning and Zoning Enforcement Officer may initiate action at his/her discretion or upon receipt of a complaint from the public submitted as outlined below and shall be empowered to initiate legal action for violation of this ordinance.

COMPLAINTS

Any citizen may make a complaint in writing alleging a violation of one or more of the acts of nuisance set forth above. The Notice of Complaint form shall be developed by the County, be maintained by the County Planning and Zoning Office, and shall be completed and filed at that office.

RIGHT OF ENTRY

The enforcement officer or his designee is authorized to enter into and upon any property located within the county for the purpose of inspecting and enforcing this ordinance. If any owner, occupant of any property located within the county refuses to allow the enforcement officer or his

designee to inspect such property, the enforcement officer or his designee is authorized to seek a search warrant from any authorized judicial officer having jurisdiction over the subject property.

VOLUNTARY ABATEMENT

Whenever the enforcement officer determines that there are reasonable grounds to believe there has been a violation of this ordinance, the enforcement officer shall cause to be served, via personal service or U.S. Mail, return receipt requested, the owner or offending occupant a written notice of the complaint. That notice shall include:

1. A statement of the exact nature of the violation(s).
2. Reference to the section of the ordinance that outlines the nuisance criteria.
3. A notice of the date and time for an informal conference between the enforcement officer and the owner or offending occupant.
4. Contain an outline of remedial action, which if taken, will effect compliance with the provisions of this ordinance.

When service cannot be perfected as described above, the enforcement officer shall cause a copy of the aforesaid notice to be posted at such structure, location, or premises, which shall serve as notice to the public and issue a publication. Service by publication can be accomplished by having such complaint placed in a newspaper printed and published in the county for two consecutive weeks.

At the informal conference, the enforcement officer shall attempt to enter into an agreement with the owner or offending occupant whereby the owner or offending occupant agrees to willingly and voluntarily abate the nuisance within a reasonable, but specified, time, giving at least 15 days, but no more than 30 days to correct the violation. Any such agreement shall be in writing, be signed by the owner and/or the offending occupant and the Enforcement Officer, and shall clearly state the actions the owner/occupant shall undertake to abate the nuisance, and shall permit the enforcement officer access to the premises to examine the degree of compliance. This agreement shall in no manner commit the County to expend any public funds, equipment or personnel.

INVOLUNTARY ABATEMENT

If the owner/offending occupant:

1. Refuses to respond to the Notice of Complaint,
2. Fails to execute the abatement agreement, or,
3. Breaches the abatement agreement;

The enforcement officer shall issue a ticket for violation of this ordinance containing a hearing date before a Marlboro County Magistrate.

If the suspected violator does not appear for the hearing, the magistrate shall issue a summons to appear before the magistrate, with appropriate bond set, to be served by an authorized officer of the court.

If the suspected violator does not respond to the summons, the enforcement officer shall obtain an arrest warrant for the suspected violator to be served by an authorized officer of the court.

Any person violating the provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (100.00) dollars nor more than Five Hundred (\$500.00) dollars for each offense, with each day such violation continues constituting a separate offense.

If the enforcement officer is unable to perfect service as noted in this section, a written notice shall be posted at such structure, location, or premises, which shall serve as notice to the public and issue a publication. Service by publication can be accomplished by having such complaint placed in a newspaper printed and published in the county for two consecutive weeks.

Such notice shall advise the violator of all costs payable to the county for placing the property in a safe and presentable condition and advise violator all costs must be paid within 30 days of the date of posting the notice.

The County enforcement officer may cause the premises to be placed in a safe and presentable condition, at a reasonable cost. Written notification of the cost plus an administrative fee of \$250.00 shall be mailed to the owner by certified U.S. mail, return receipt requested, which shall be payable within thirty (30) days of the date of mailing. If the owner fails to pay the cost within thirty (30) days of the date of mailing, the total rectifying cost shall become a lien upon the real estate, collectable through appropriate judicial process.

DEFINITIONS.

DANGEROUS: able or likely to inflict injury

DEBRIS: the remains of something broken down or destroyed

DETRIMENTAL: a cause of injury or damage

DILAPIDATION: fallen into partial ruins or decay

DISREPAIR: the state of being in need of repair

DISUSE: a cessation of use or practice

INOPERABLE: incapable of being moved under its own power

JUNK: discarded products, scrap, or old iron, glass, paper, or waste

LITTER: rubbish; to strew or mark with scattered objects

OFFENSIVE: outrages the senses; displeasing;

TRASH: rubbish, waste

UNSAFE: not secure from danger or loss; not free from harm or risk

UNSANITARY: not free from filth or infective matter

UNFIT: not suitable

MORALS: of or relating to the principles of right and wrong

ADOPTED THIS 8th DAY OF April, 2004.

Ordinance was adopted April 8, 2004
Susan E. Rivers, Clerk to Council